Changing Markets Create Opportunities: Emphasizing the Competencies Legal Employers Use in Hiring New Lawyers (Including Professional Formation/Professionalism)

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CHANGING MARKETS CREATE OPPORTUNITIES: EMPHASIZING THE COMPETENCIES LEGAL EMPLOYERS USE IN HIRING NEW LAWYERS (INCLUDING PROFESSIONAL FORMATION/PROFESSIONALISM)

Neil W. Hamilton*

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I. INTRODUCTION

To guide legal educators and law students in responding to challenging markets both for entry-level employment and for applications to law schools,

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this Article analyzes empirical research on the competencies that legal employers, the profession itself, and clients are looking for in a new lawyer. The Article advances the proposition that law schools can build on an existing strength of helping each student develop knowledge of doctrinal law, legal analysis, legal research, legal writing, and oral advocacy to improve at helping each student develop additional important competencies and have evidence of those competencies that legal employers, the profession, and clients value—particularly the professional formation, or professionalism, competencies discussed in Part IV.

The Article also helps each student understand the importance of developing transferable skills, or competencies, that equip the student to respond to changing markets for legal services. An overall theme for both legal educators and law students is to view these changing markets as opportunities to grow in new directions and, thus, to differentiate themselves from competitors.

The Report of the American Bar Association (ABA) Task Force on the Future of Legal Education, discussed in Part II below, emphasizes the importance of understanding the competencies needed to be effective in the practice of law—specifically, with respect to guiding new initiatives in responding to the current market challenges. Part III analyzes data from several new studies of the competencies that legal employers are looking for in a new lawyer. Part IV focuses on a student’s professional formation, or professionalism, competencies as a foundation in legal employers’ hiring criteria. Part V evaluates a number of other recent empirical studies investigating the competencies that legal employers expect new lawyers to have and the competencies that new lawyers deem the most significant in their work. Part VI explores why it is important for students to develop differentiating competencies and transferable skills to respond to a rapidly changing market. The conclusion—based on the data from Parts III and V—presents specific proposals for law schools to consider in helping each student develop professionally.

II. REPORT OF THE ABA TASK FORCE ON THE FUTURE OF LEGAL EDUCATION REGARDING THE CURRENT CHALLENGES

In January 2014, the ABA Task Force on the Future of Legal Education issued its final Report and Recommendations (Report) and noted the following:

1. See, e.g., Susan Carle, What it Means to be a Lawyer in These Uncertain Times: Some Thoughts on Ethical Participation in the Legal Education Industry, 47 AKRON L. REV. 223, 224–25 (2014) (discussing the downturn in law school application numbers since the “heyday” of the early 2000s and how finding a job after graduation is much harder than it used to be).

“At present, the system [of American legal education] faces considerable pressure because of the price many students pay for their education, the large amount of student debt, consecutive years of sharply falling applications, and dramatic changes, possibly structural, in the market for jobs available to law graduates.” The Report highlights key conclusions regarding (1) the pricing and funding of legal education, (2) accreditation, (3) innovation, (4) skills and competencies, and (5) the broader delivery of legal and related services. The Report refers to the need to shift legal education further toward “the competencies and professionalism required of people who will deliver services to clients.”

This Article focuses on empirical research that helps both legal educators and law students understand “the competencies and professionalism required” to be an effective and successful lawyer. Understanding these needed competencies should help drive the “innovation” that the Report emphasizes, so that both law schools and law students can innovate to help each student use the three years of law school most effectively to develop—and create evidence of—the competencies that legal employers and clients want.

This empirical research on the competencies that legal employers want in the hiring and assessment of new lawyers should also help each law school respond to the Report’s suggestion to “[d]evelop a [c]lear [s]tatement of the [v]alue the [l]aw [s]chool’s [p]rogram of [e]ducation and other [s]ervices [w]ill [p]rovide, [i]ncluding [the program’s] [r]elation to [e]mployment [o]pportunities, and [to] [c]ommunicate that [s]tatement to [s]tudents and [p]rospective [s]tudents.” A clear statement of the value of a law school’s program of education—including the relation of the program to employment opportunities and actual implementation of strategies to help each student develop the competencies needed for practice—will also help satisfy the expected changes in the ABA’s accreditation standards. The late-stage drafts from the ABA’s Standards Review Committee propose the following changes:

1. Change existing Standard 301 on “Objectives” from preparing students for “effective and responsible participation in the legal
profession” to “effective, ethical, and responsible participation as members of the legal profession.”

2. Change existing Standard 302 from “Curriculum” to “Learning Outcomes” that require each law school to “establish learning outcomes that shall, at a minimum, include competency in the following . . .

(c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and

(d) Other professional skills needed for competent and ethical participation as a member of the legal profession.”¹¹

Note that the combination of new Draft Standard 302 on learning outcomes and revised Standard 301 emphasizes that law schools should help each student internalize and exercise:

(1) the skills needed as a member of the legal profession for both (a) effective and competent participation and (b) ethical and responsible participation; and

(2) professional and ethical responsibilities to both (a) clients and (b) the legal system.¹²

Next, Part III analyzes recent empirical studies on the competencies that different legal employers are looking for in new graduates to help law schools define the skills each graduate needs: (1) as a member of the legal profession to be both effective and competent, as well as ethical and responsible; and (2) to fulfill the lawyer’s professional and ethical responsibilities to clients and the legal system.

III. EMPIRICAL RESEARCH ON THE “COMPETENCIES AND PROFESSIONALISM REQUIRED OF PEOPLE WHO WILL DELIVER SERVICES TO CLIENTS”¹³

William Henderson, a law professor at the Indiana University Maurer School of Law, noted that “[t]here is a paucity of high quality empirical research on the factors that contribute to lawyer effectiveness.”¹⁴ In responding to this gap in our knowledge, my forthcoming article—Law-Firm Competency Models and Student Professional Success: Building on a Foundation of Professional Formation/Professionalism—summarizes all of the published empirical data I

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¹¹ See id. at 46-47.
¹² See id. at 105.
¹³ TASK FORCE REPORT, supra note 2, at 3.
could find on the competencies that law firms focus on in assessing the performance of associates, as well as the competencies that clients want in their lawyers.\textsuperscript{15} The term competency model refers to a framework of core competencies for new lawyers to master, which a firm or law department develops by identifying the characteristics of the organization’s most effective and successful lawyers.\textsuperscript{16} This Article adds four new studies—focused on the Minnesota market for new lawyers—to define the competencies that legal employers value most in their decisions to hire new lawyers.\textsuperscript{17} To the degree that a legal employer has modeled the competencies that the employer looks for in hiring a new lawyer based on an analysis of characteristics of the employer’s most effective and successful lawyers, these hiring criteria reflect a type of competency model.

This research on the competencies that legal employers and clients most value is at an early stage, and there is a great need for more empirical work.\textsuperscript{18} The goal is to generate different research windows to look through, and a convergence of good qualitative and quantitative research on these questions will increase our confidence in the data’s validity and reliability.

\textbf{A. The Most Important Competencies for a Larger Law Firm’s Decision to Hire an Associate}

In the period of January–March 2013, I asked the ethics partner or general counsel of each of the 14 largest law firms in Minnesota to indicate the relative importance of the different competencies the firm uses in its evaluation of associates in the firm’s decision to hire an associate.\textsuperscript{19} The ethics partner or general counsel from all 14 firms responded; Table 1 sets forth the average responses of the 14 firms on relative importance of the different competencies for the decision to hire an associate.\textsuperscript{20}

\textsuperscript{15} See generally Neil Hamilton, \textit{Law-Firm Competency Models and Student Professional Success: Building on a Foundation of Professional Formation/Professionality}, 12 U. St. Thomas L.J. (forthcoming 2014) (discussing published empirical data of the competencies law firms assess in their associates, as well as what competencies clients look for in their lawyers).

\textsuperscript{16} See id. (manuscript at 4) (on file with author) (citing Susan Manch & Terri Mottershead, \textit{Introduction: Talent Management in Law Firms—Evolution, Revelation, Revolution or Business as Usual?}, in THE ART AND SCIENCE OF STRATEGIC TALENT MANAGEMENT IN LAW FIRMS 1, 9 (Terri Mottershead ed., 2010)).

\textsuperscript{17} See infra Tables 1–4.

\textsuperscript{18} See Hamilton, supra note 15 (manuscript at 38).

\textsuperscript{19} The firms ranged in size from 67 to 740 total lawyers, including lawyers outside of Minnesota.

\textsuperscript{20} See infra Table 1.
Table 1

The Relative Importance of Different Competencies in the Decision to Hire a New Associate for the 14 Largest Minnesota Law Firms

<table>
<thead>
<tr>
<th>Competencies Considered Very Important to Critically Important</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Integrity/honesty/trustworthiness</td>
<td>4.80</td>
</tr>
<tr>
<td>2. Effective written/oral communication skills</td>
<td>4.67</td>
</tr>
<tr>
<td>3. Analytical skills: identifying legal issues from facts, applying the law, and drawing conclusions</td>
<td>4.60</td>
</tr>
<tr>
<td>4. Initiative/ambition/drive/strong work ethic</td>
<td>4.53</td>
</tr>
<tr>
<td>5. Good judgment/common sense/problem solving</td>
<td>4.53</td>
</tr>
<tr>
<td>6. Dedication to client service/responsiveness to clients</td>
<td>4.47</td>
</tr>
<tr>
<td>7. Commitment to the firm, its goals, and its values</td>
<td>4.27</td>
</tr>
<tr>
<td>8. Inspires confidence</td>
<td>4.20</td>
</tr>
<tr>
<td>9. Research skills</td>
<td>4.13</td>
</tr>
<tr>
<td>10. Commitment to professional development toward excellence</td>
<td>4.07</td>
</tr>
<tr>
<td>11. Initiates and maintains strong work and team relationships</td>
<td>4.07</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Competencies Considered Important to Very Important</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Project management—including high quality, efficiency, and timeliness</td>
<td>3.93</td>
</tr>
<tr>
<td>13. Strategic/creative thinking</td>
<td>3.80</td>
</tr>
<tr>
<td>14. Legal competency/expertise/knowledge of the law</td>
<td>3.73</td>
</tr>
<tr>
<td>15. Business development/marketing/client retention</td>
<td>3.67</td>
</tr>
<tr>
<td>16. Ability to work independently</td>
<td>3.67</td>
</tr>
<tr>
<td>17. Leadership</td>
<td>3.47</td>
</tr>
<tr>
<td>18. Stress/crisis management</td>
<td>3.40</td>
</tr>
<tr>
<td>19. Candidate’s class rank</td>
<td>3.33</td>
</tr>
<tr>
<td>20. Seeks feedback/responsive to feedback</td>
<td>3.13</td>
</tr>
<tr>
<td>21. Negotiation skills</td>
<td>3.07</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Competencies Considered Somewhat Important to Important</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>22. Rank of candidate’s law school</td>
<td>2.93</td>
</tr>
<tr>
<td>23. Understanding the business of large firm practice</td>
<td>2.93</td>
</tr>
<tr>
<td>24. Delegation/supervision/mentoring</td>
<td>2.73</td>
</tr>
<tr>
<td>25. Demonstrates interest in business and financial arrangements with clients</td>
<td>2.73</td>
</tr>
</tbody>
</table>

Throughout this Article the following scale will be used for the tables: 0 = Not Considered | 1 = Slightly Important | 2 = Somewhat Important | 3 = Important | 4 = Very Important | 5 = Critically Important.
B. *The Most Important Competencies for a Small Firm’s Decision to Hire an Associate*

In the period of May–July 2013, I created both a list of the 116 total law firms that contain 2–9 lawyers—including partners, associates, and of counsel lawyers—in the 7 Twin Cities metro counties and a list of 37 total firms of the same size in the rest of Minnesota. I included in the survey a random sample of 50 of the 116 metro law firms and all 37 of the other firms. I asked a partner at each firm to indicate the relative importance of each competency listed below in the decision to hire a new associate—and to add competencies if the partner thought one was missing. Of the 87 total firms surveyed, 23 firms responded to the survey.21

**Table 2**

**The Relative Importance of Different Competencies in the Decision to Hire a New Associate for 23 Small Minnesota Firms from 2–9 Lawyers**

<table>
<thead>
<tr>
<th>Competencies Considered Very Important to Critically Important</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Good judgment/common sense/problem solving</td>
<td>4.61</td>
</tr>
<tr>
<td>2. Integrity/honesty/trustworthiness</td>
<td>4.57</td>
</tr>
<tr>
<td>3. Dedication to client service/responsiveness to clients</td>
<td>4.39</td>
</tr>
<tr>
<td>4. Initiative/ambition/drive/strong worth ethic</td>
<td>4.30</td>
</tr>
<tr>
<td>5. Effective written/oral communication skills</td>
<td>4.13</td>
</tr>
<tr>
<td>6. Ability to work independently</td>
<td>4.13</td>
</tr>
<tr>
<td>7. Analytical skills: identifying legal issues from facts, applying the law, and drawing conclusions</td>
<td>4.09</td>
</tr>
<tr>
<td>8. Commitment to the firm, its goals, and its values</td>
<td>4.04</td>
</tr>
<tr>
<td>9. Project management—including high quality, efficiency, and timeliness</td>
<td>4.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Competencies Considered Important to Very Important</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Initiates and maintains strong work and team relationships</td>
<td>3.82</td>
</tr>
<tr>
<td>11. Legal competency/expertise/knowledge of the law</td>
<td>3.69</td>
</tr>
<tr>
<td>12. Seeks feedback/responsive to feedback</td>
<td>3.61</td>
</tr>
<tr>
<td>13. Commitment to professional development toward excellence</td>
<td>3.43</td>
</tr>
</tbody>
</table>

21. Note that, because of an error, the survey form for the small firm study did not include the candidate’s class rank or the rank of the candidate’s law school as factors in the hiring decision. See [*infra* Table 2.]
14. Business development/marketing/client retention 3.43
15. Research skills 3.39
16. Strategic/creative thinking 3.34
17. Inspires confidence 3.26
18. Stress/crisis management 3.04

Competencies Considered Somewhat Important to Important

19. Understanding the business of small firm practice 2.87
20. Negotiation skills 2.83
21. Leadership 2.61
22. Demonstrates interest in business and financial arrangements with clients 2.56
23. Delegation/supervision/mentoring 2.34
24. Pro Bono/community/bar association involvement 2.13

C. The Most Important Competencies for a County Attorney’s Decision to Hire a New Lawyer

In the period of July–August 2013, I created both a list of the county attorneys in the 7 Twin Cities metro counties and a list of the 80 remaining outstate county attorneys. I included in the survey all 7 metro Twin Cities county attorneys and a random sample of 30 non-metro county attorneys. I asked each county attorney to indicate the relative importance of each competency listed below in the decision to hire a new lawyer—and to add competencies if the county attorney thought one was missing. Of the 37 total county attorneys surveyed, 18 county attorneys—including those from 4 of the 7 metro counties—responded.

Table 3
The Relative Importance of Different Competencies in the Decision to Hire a New Lawyer for 18 County Attorneys in Minnesota

<table>
<thead>
<tr>
<th>Competencies Considered Very Important to Critically Important</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Integrity/honesty/trustworthiness</td>
<td>4.83</td>
</tr>
<tr>
<td>2. Good judgment/common sense/problem solving</td>
<td>4.56</td>
</tr>
<tr>
<td>3. Initiative/ambition/drive/strong work ethic</td>
<td>4.33</td>
</tr>
<tr>
<td>4. Initiates and maintains strong work and team relationships</td>
<td>4.33</td>
</tr>
<tr>
<td>5. Commitment to development, goals, and values</td>
<td>4.17</td>
</tr>
<tr>
<td>6. Analytical skills: identifying legal issues from facts, applying the law, and drawing conclusions</td>
<td>4.00</td>
</tr>
<tr>
<td>7. Ability to work independently</td>
<td>4.00</td>
</tr>
</tbody>
</table>
D. The Most Important Competencies for a Legal Aid Office’s Decision to Hire a New Lawyer

In the period of January–February 2014, I surveyed the executive directors of each of the 6 regional legal aid offices in Minnesota and asked each director to indicate the relative importance of the competencies listed below in the decision to hire a new lawyer—and to add competencies if the director thought one was missing. All 6 directors responded to the survey.

Table 4
The Relative Importance of Different Competencies in the Decision to Hire a New Lawyer for the Regional Aid Offices in Minnesota

<table>
<thead>
<tr>
<th>Competencies Considered Very Important to Critically Important</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Dedication to client service/responsiveness to clients</td>
</tr>
<tr>
<td>2. Good judgment/common sense/problem solving</td>
</tr>
</tbody>
</table>
Analytical skills: identifying legal issues from facts, applying the law, and drawing conclusions 4.83
Integrity/honesty/trustworthiness 4.83
Effective written/oral communication skills 4.67
Commitment to the office, its goals, and its values 4.50
Initiates and maintains strong work and team relationships 4.33
Project management—including high quality, efficiency, and timeliness 4.33
Legal competency/expertise/knowledge of the law 4.33
Initiative/ambition/drive/strong work ethic 4.17
Strategic/creative thinking 4.17
Commitment to professional development toward excellence 4.00
Pro bono/community/bar association involvement 4.00

**Competencies Considered Important to Very Important**

Seeks feedback/responsive to feedback 3.83
Research skills 3.67
Stress/crisis management 3.67
Inspires confidence 3.60
Ability to work independently 3.50
Negotiation skills 3.50
Experience with pro bono work and clients 3.33
Leadership 3.00

**Competencies Considered Somewhat Important to Important**

Delegation/supervision/mentoring 2.33

**Competencies Considered Slightly Important to Somewhat Important**

Candidate’s class rank 1.67

**Competencies Not Considered to Slightly Important**

Rank of candidate’s law school 1.17

22. One legal aid director also indicated that “[d]emonstrat[ing] commitment and/or experience in working with low income communities either through volunteerism, paid experience, or clerk[ing]” is a factor considered when hiring; the director provided this factor with a rating of 4. Another legal aid director also indicated that “[experience] with low-income populations, diverse populations, and disadvantaged persons” is a factor considered when hiring; this director also provided this factor with a rating of 4. A third director commented that deep respect for clients and co-workers, regardless of background, and the ability to clearly explain complex concepts to people of different backgrounds is a critically important factor in hiring.
E. Synthesis of the Competencies that Legal Employers Are Looking for in the Decision to Hire a New Lawyer

Table 5 below sums up the four studies to capture the competencies considered most important by all four types of legal employers.

<table>
<thead>
<tr>
<th>Competency</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Integrity/honesty/trustworthiness</td>
<td>4.76</td>
</tr>
<tr>
<td>Good judgment/common sense/problem solving</td>
<td>4.63</td>
</tr>
<tr>
<td>Analytical skills: identifying legal issues from facts, applying the law, and drawing conclusions</td>
<td>4.37</td>
</tr>
<tr>
<td>Initiative/ambition/drive/strong work ethic</td>
<td>4.33</td>
</tr>
<tr>
<td>Effective written/oral communication skills</td>
<td>4.33</td>
</tr>
<tr>
<td>Dedication to client service/responsiveness to clients ** (1st for legal aid)</td>
<td>4.29</td>
</tr>
<tr>
<td>Commitment to the firm/department/office, its goals, and its values *</td>
<td>4.25</td>
</tr>
<tr>
<td>Initiates and maintains strong work and team relationships ** (4th for county attorneys)</td>
<td>4.14</td>
</tr>
<tr>
<td>Project management—including high quality, efficiency, and timeliness</td>
<td>3.91</td>
</tr>
<tr>
<td>Legal competency/expertise/knowledge of the law</td>
<td>3.87</td>
</tr>
<tr>
<td>Ability to work independently (6th for small firms and 7th for county attorneys)</td>
<td>3.83</td>
</tr>
<tr>
<td>Commitment to professional development toward excellence</td>
<td>3.68</td>
</tr>
<tr>
<td>Strategic/creative thinking</td>
<td>3.66</td>
</tr>
<tr>
<td>Research skills (9th for large firms) (Note that, for large firms, business development/marketing/client retention was ranked as the 15th most important competency; for small firms, it was ranked as the 14th most important. This competency was not included in the legal aid and county attorney surveys.)</td>
<td>3.62</td>
</tr>
<tr>
<td>Inspires confidence (8th for large firms)</td>
<td>3.60</td>
</tr>
<tr>
<td>Seeks feedback/responsive to feedback (12th for small firms and 11th for county attorneys)</td>
<td>3.53</td>
</tr>
<tr>
<td>Stress/crisis management</td>
<td>3.45</td>
</tr>
<tr>
<td>Leadership</td>
<td>3.10</td>
</tr>
<tr>
<td>Negotiation skills</td>
<td>3.10</td>
</tr>
</tbody>
</table>
Table 1: Competencies Considered Somewhat Important to Important

<table>
<thead>
<tr>
<th>Competency</th>
<th>Importance Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pro bono/community/bar association involvement (13th for legal aid)</td>
<td>2.48</td>
</tr>
<tr>
<td>Delegation/supervision/mentoring</td>
<td>2.37</td>
</tr>
</tbody>
</table>

The data support several significant conclusions:

1. Overall, there is wide agreement among these types of legal employers on the competencies that are important in the decision to hire:
   a. All four types of legal employers agree that the five competencies mentioned with a single asterisk are very important to critically important in the decision to hire.
   b. Three out of the four types of legal employers agree that the three competencies marked with a double asterisk are very important to critically important in the decision to hire. The fourth type of employer considers this competency important to very important.
   c. All four types of legal employers believe that the competencies from number 16 (seeks feedback/responsive to feedback) up to number 9 (legal competency/expertise/knowledge of the law) are at least important to very important in the decision to hire, with one or two types of legal employers including numbers 9–15 as very important to critically important in hiring.

2. There are also some significant differences among these four types of employers on the importance of some of the competencies in the decision to hire. Students interested in a particular type of employment should take these differences into account in differentiating themselves.23 Here are some examples:
   a. Dedication to client service/responsiveness to clients was ranked 17th by county attorneys, but 1st by legal aid offices and 3rd and 6th by small and large firms, respectively.
   b. Strong work and team relationship skills were ranked 4th by county attorneys, but 7th by legal aid offices, 10th by small firms, and 11th by large firms.
   c. While legal aid offices ranked pro bono/community/bar association involvement—particularly service to the disadvantaged—12th, two types of legal employers ranked pro bono/community/bar association involvement last among the competencies important in their hiring decisions. This surprises me and is an area where the public interest purposes of the profession are not well reflected in the data; it is also an area where law schools could work with legal employers to take these public interest purposes more into account. In terms of the current practical reality that students face, my best judgment is that a student seeking employment with an employer other than legal aid who is engaged in

23. See Hamilton, supra note 15 (manuscript at 3).
these activities needs to explain clearly how the pro bono/community/bar association involvement gives the student experience with, and evidence of, the student’s developmental stage at one or more of the other competencies.

d. The ability to work independently was ranked 6th by small firms and 7th by county attorneys, but 16th for large firms and 18th for legal aid offices.

e. Class rank and rank of the law school are not important factors for hiring with legal aid offices or county attorneys. It may be that the county attorneys are hiring experienced lawyers, so the “on the job” performance record substantially overshadows law school grades and law school rank. While the large firms reported that, in their hiring decisions, a candidate’s class rank is the 19th most important factor—and the rank of the candidate’s law school is the 22nd most important factor—after discussing this data with several respondents, I think that this is true only after an initial screen based on a candidate’s class rank and the rank of the candidate’s law school.24 Essentially, the firms use class rank and rank of the law school as surrogates for some threshold level of excellence that a candidate’s legal analysis and doctrinal knowledge must meet.25 The lower bound of this initial screen may be changing due to the market realities of the new legal economy.26 Among those candidates remaining in the pool after the initial screen, the other competencies are important differentiating factors in the decision to hire.27 This is a topic for further research.28 Because of an error in the survey form, the small firm survey did not include a student’s class rank and the rank of the student’s law school.

3. All four types of employers ranked knowledge of doctrinal law between 9th and 14th in importance in the decision to hire. In my experience, many law professors and law students believe that a doctrinal law specialty in law school—through a concentration of some sort—is a more important factor than these legal employers are reporting. Students should not overemphasize the use of a concentration to differentiate themselves, but instead should emphasize some of the other competencies.29

4. The data also suggest substantial opportunities for law schools and law students to differentiate themselves by focusing on one or more of the very important competencies that the typical required curriculum does not develop. The required curriculum at the vast majority of law schools focuses on effective written—at least in terms of exam writing and, at a minimum, of one long paper30—and oral communication skills, analytical skills, the ability to work

24. Id. (manuscript at 13).
25. Id. (manuscript at 13–14).
26. Id. (manuscript at 14).
27. Id.
28. Id.
29. Id. (manuscript at 14).
30. See, e.g., Law Student Handbook: Degree Requirements, UNIV. OF S.C. SCH. OF LAW (June 18, 2013), http://law.sc.edu/registrar/handbook/section_003.pdf (explaining the writing requirement required to graduate with a law degree).
independently, legal competency and knowledge of the law, and research skills. 31 Certainly, the first-year required curriculum focuses on the above competencies, and legal employers accept first-year grades and rankings as credible evidence of these skills—particularly legal analysis and doctrinal knowledge. 32 There may be some emphasis at some schools on good judgment, common sense, and problem solving in the required curriculum, 33 but further research is needed on how these schools help a student with good evidence of later-stage development of this competency. Some schools require externship, clinic, or simulation courses in the second and third year that help students develop other competencies. 34 This leaves a number of the very important to critically important competencies to the elective curriculum, 35 but my experience is that most law students get limited guidance on how to most effectively use the elective curriculum—and all of the other experiences inside and outside the law school—to develop the differentiating competencies, and credible evidence of those competencies, that students need.

5. An additional challenge exists for students trying to differentiate themselves on one or more of the competencies beyond those that the typical required law school curriculum focuses on. A student could benefit from assessments of these competencies at the student’s developmental stage—assessments that legal employers will accept as valid and reliable evidence of the competencies. Historically, law schools do not give this type of assessment for many of the individual competencies listed in Table 5. 36 Additionally, the typically high grades in the externship, clinic, or simulation courses—like trial advocacy—make it difficult for an employer to see differentiation among students with respect to key competencies.

6. A student who is trying to differentiate on a particular competency essentially has to plan independently about how to create a portfolio of experiences and, whenever possible, evidence of assessment by a senior lawyer of the student’s stage of development at the identified competency. The portfolio could include recognized achievements—such as participation in competitions like moot court—or reference letters on the identified competency. The goal is to have evidence that the student is making developmental progress.

31. See TASK FORCE REPORT, supra note 2, at 3 (discussing the required skills and competencies of legal education).
33. See, e.g., Neil Hamilton & Lisa Montpetit Brabbit, Fostering Professionalism Through Mentoring, 57 J. LEGAL EDUC. 102, 122–23 (2007) (discussing the Mentor Externship Program at the University of St. Thomas School of Law).
34. See id. at 122.
35. For a list of these competencies, see infra Table 5.
36. See supra Table 5; see also Patrick J. Schiltz, Legal Ethics in Decline: The Elite Law Firm, the Elite Law School, and the Moral Formation of the Novice Attorney, 82 MINN. L. REV. 705, 723 (1998) (discussing some of the deficiencies in legal education).
at the particular competency toward later stages, as outlined in Diagram 1 below. With regard to assessing associate performance, larger law firms are developing competency models that have three to four developmental stages for each competency.  

Diagram 1 on Levels of Practice Mastery

7. A law school could choose to differentiate itself both by focusing on helping each student develop one or more differentiating competencies and by creating assessments that would provide each student with information regarding the student’s stage of development at the competency. A student may be able to demonstrate to an employer that he or she has achieved a Level 3 or even a Level 4 developmental stage with respect to an identified competency. A school trying this approach should work with legal employers to identify developmental stages and evidence of the student’s stage that the employers will accept and value.

8. It is not clear what evidence legal employers are looking at to assess whether a potential candidate for employment demonstrates competencies like integrity/honesty/trustworthiness, good judgment/common sense/problem solving, or initiative/ambition/drive/strong work ethic. The high importance given to integrity/honesty/trustworthiness suggests that any doubts about integrity or honesty will weigh heavily in the hiring decision, but the question

37. See infra Diagram 1. Indiana law professor William Henderson first showed me a diagram similar to Diagram 1.


39. See supra Table 5.
remains: How does a student demonstrate affirmative evidence of trustworthiness? I have learned from my discussions with all four types of employers that they often look at experiences like coming from a farm family or being an Eagle Scout—or being recognized for excellence in sports, the performing arts, or high-skill activities like debate—to infer whether a student has initiative, ambition, drive, or strong work ethic, and whether the student can be trusted with substantial responsibilities. A great opportunity exists to work with legal employers to create assessments and evidence of these competencies that the employers will value. For example, a candidate who can demonstrate trustworthiness—evidenced by supervisors’ high confidence in the student’s work—can thereby show an important differentiating competency for the hiring decision. Do the candidate’s references emphasize that supervisors had a high degree of trust and confidence in the candidate’s work?

IV. THE PROFESSIONAL FORMATION COMPETENCIES (PROFESSIONALISM)

A number of the most important competencies in Table 5 are what I have called the professional formation competencies, or professionalism.40 The following are values, virtues, and habits that can be developed over a career41: integrity/honesty/trustworthiness (ranked 1st); good judgment/common sense/problem solving (ranked 2nd); initiative/ambition/drive/strong work ethic (ranked 4th); dedication to client service/responsiveness to clients (ranked 6th); commitment to the firm/department/office, its goals, and its values (ranked 7th); commitment to professional development toward excellence (ranked 12th); inspires confidence (ranked 15th); and seeks feedback/responsiveness to feedback (ranked 16th).42

We have published six earlier studies analyzing different perspectives on the capacities and skills that define professional formation, or professionalism.43

41. See id. at 14–15.
42. See supra Table 5.
Those studies show that professional formation encompasses “an internalized moral core characterized by a deep responsibility or devotion to others—particularly the client—and some restraint on self-interest in carrying out this responsibility.”44 Most of the studies also agree that professionalism includes the following elements: (1) “integrity and honesty,” (2) “an internalized standard of excellence at lawyering skills,” (3) “ongoing solicitation of feedback and self-reflection,” (4) “adherence to the ethical codes,” (5) “public service (especially for the disadvantaged),” and (6) “independent professional judgment and honest counsel.”45

The major point that students, new lawyers, and legal educators need to understand is that professional formation and these professionalism competencies are foundational competencies for the hiring decisions of legal employers.46 A law student or new lawyer with a high level of professionalism is demonstrating one of the most valued competencies in the hiring decision.47

Probing the foundation of the professional formation competencies more deeply, we see that the implicit foundation for all of the professional formation values, virtues, and habits that legal employers want is each student’s moral core—characterized by the internalization of deep responsibilities for and service to others, particularly the client. William Sullivan—the co-director of all five Carnegie Foundation for the Advancement of Teaching studies of higher education for the professions48—recognizes the importance of this bedrock foundation of an internalized moral core of deep responsibility for others, particularly the persons served by the profession.49 Sullivan believes that the “chief formative challenge” for higher education in the professions is to help each student entering a profession to change from thinking like a student—“solv[ing] well-structured problems by learning and applying routine techniques”—to accepting and internalizing responsibility for others, particularly

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44. See Legal Education’s Ethical Challenge, supra note 43, at 340. These studies considered “[t]he studies of the understandings of professionalism from the organized profession, the legal scholars who have written on professionalism, and the five Carnegie studies on higher education for the professions, combined with the exemplary lawyers study, [and they] all agree that professionalism (professional formation) is an internalized moral core.” Id.
45. Id.
46. See supra Part III.
47. See supra Part III.
49. See William A. Sullivan, Foreword to TEACHING MEDICAL PROFESSIONALISM at ix, xvi (Richard L. Cruess et al. eds., 2009).
for the persons served, and for the student to develop toward excellence as a practitioner at all of the competencies of the profession.\(^50\) Clients or patients need to trust that their lawyers or physicians “will be dedicated above all else to care for [them] with all their ability.”\(^51\) This is essentially a fiduciary disposition, using *fiduciary* in the general meaning of “founded on trustworthiness.”\(^52\) Each student must internalize a fiduciary disposition for others, particularly the client.\(^53\)

A law student or new lawyer who actively solicits feedback and engages both in dialogue with others on the tough calls and in self-reflection will foster growth toward the internalization of deep responsibilities and care for the client and others, will grow toward trustworthiness—because others understand that their interests come first—and will reflect good judgment.\(^54\) Moreover, an internalized commitment to grow toward excellence in all the competencies of an effective lawyer will lead to ongoing improvement in all of the other competencies, which also builds trustworthiness.\(^55\) Finally, a new lawyer who has internalized deep responsibility to others—particularly the client—will be more effective in achieving commitment to the firm or law department, dedication to client service and responsiveness to clients, and effective teamwork.\(^56\)

The ABA Task Force on the Future of Legal Education Report emphasized that legal education should give attention both to students’ individual interests in meaningful employment\(^57\) and the “competencies and professionalism required of people who will deliver services to clients.”\(^58\) The Report also emphasized the following:

[S]ociety has a deep interest in the competence of lawyers, in their availability to serve society and clients, in the broad public role they can play, and in their professional values . . . . [S]ociety also has a deep interest in the system that trains lawyers: it directly affects the competence, availability and professionalism of lawyers.\(^59\)

\(^{50}\) See id. at xi, xv, xvi.
\(^{51}\) Id. at ix.
\(^{52}\) See, e.g., 37 AM. JUR. 2D *Fraud & Deceit* § 37 (2013) (citing De Jong v. Leitchfield Deposit Bank, 254 S.W.3d 817, 820 (Ky. Ct. App. 2007)) (“A fiduciary relationship is one founded on trust or confidence reposed by one person in the integrity and fidelity of another . . . .”).
\(^{54}\) See Themes from Interviews About Professionalism, supra note 16, at 957, 963–64.
\(^{55}\) Id. at 965.
\(^{56}\) See Hamilton, supra note 15 (manuscript at 28–29).
\(^{57}\) See TASK FORCE REPORT, supra note 2, at 7, 34.
\(^{58}\) Id. at 3.
\(^{59}\) Id. at 6.
A law school can meet the public purposes of society and the profession, as well as each student’s individual private goals for employment, by fostering each student’s professional formation competencies.  

V. OTHER EMPIRICAL EVIDENCE ON THE COMPETENCIES IMPORTANT IN THE HIRING DECISION

There are several recent studies of either the competencies legal employers expect new lawyers to have or the competencies new lawyers report are most significant in their work. The competencies emphasized in these studies are similar to those in Table 5, and the convergence of these data sets tends to affirm the validity of Table 5’s findings. However, we need more research to test these findings.

For example, one recent study by Susan Wawrose—a law professor at the University of Dayton School of Law—focused on what employers expect of a new attorney. The study used focus groups—with 19 Dayton, Ohio attorneys from a variety of practice backgrounds—and explored the questions of “[h]ow . . . [these employers] describe the ideal recent law school graduate” and “[w]hat . . . [these employers] expect a recent law graduate to be able to do.” The comments of the legal employers fell into two main categories. First and predominant was an employer preference for attorneys who have well-developed professional . . . skills[,] such as strong work ethic, willingness to take initiative, the ability to collaborate well with colleagues and clients, and the ability to adapt to the demands of supervisors. Second, employers wanted new hires with strong fundamental practice skills, i.e., legal research, written and verbal communication, and analysis.

60. See id. at 6–7.
62. Compare Wawrose, supra note 61, at 522 (listing the skills employers value in attorneys), and NETTLES & HELLRUNG, supra note 61, at 285 (listing various competencies, including “Tasks, Knowledge Domains, and Skills/Abilities in Survey Order”), with supra Table 5 (listing the competencies considered when hiring a new lawyer).
63. See Wawrose, supra note 61, at 507.
64. Id. at 515, 518.
65. Id. at 522 (footnotes omitted).
Professor Wawrose stated that “[t]he most surprising outcome of [her] research was the primary importance employers placed on the intra- and interpersonal . . . [skills] needed for workplace success.”

In 2011 and 2012, the National Conference of Bar Examiners (NCBE) conducted a web-based survey—with 1,669 usable responses from 19,872 people surveyed—of new lawyers who were 1–3 years out of law school and practicing in a variety of practice settings and areas. The survey asked what skills, abilities, and knowledge domains are significant to the newly licensed lawyer. On a scale of 1, as “[m]inimally [s]ignificant,” to 4, as “[e]xtremely [s]ignificant,” the new lawyers rated twenty-five of the skills and abilities as having an average importance greater than the highest rated knowledge domains—which were, from first to third, the rules of civil procedure, other court rules of procedure, and the rules of evidence. Table 6 shows the average importance of the top-ranked skills and abilities for new lawyers.

**Table 6**

**National Conference of Bar Examiners Survey of New Lawyers on the Most Significant Skills and Abilities**

<table>
<thead>
<tr>
<th>Skills and Abilities for New Lawyers</th>
<th>Average Significance</th>
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<tbody>
<tr>
<td>1. Written communication</td>
<td>3.77</td>
</tr>
<tr>
<td>2. Paying attention to details</td>
<td>3.67</td>
</tr>
<tr>
<td>3. Listening</td>
<td>3.60</td>
</tr>
<tr>
<td>4. Oral Communication</td>
<td>3.58</td>
</tr>
<tr>
<td>5. Professionalism</td>
<td>3.58</td>
</tr>
<tr>
<td>6. Using office technologies (e.g., email and word processing)</td>
<td>3.56</td>
</tr>
<tr>
<td>7. Critical reading and comprehension</td>
<td>3.55</td>
</tr>
<tr>
<td>8. Synthesizing facts and law</td>
<td>3.55</td>
</tr>
<tr>
<td>9. Legal reasoning</td>
<td>3.54</td>
</tr>
<tr>
<td>10. Knowing when to go back and ask questions</td>
<td>3.46</td>
</tr>
<tr>
<td>11. Organizational skills</td>
<td>3.46</td>
</tr>
<tr>
<td>12. Working within established time constraints</td>
<td>3.44</td>
</tr>
<tr>
<td>13. Interpersonal skills</td>
<td>3.44</td>
</tr>
<tr>
<td>14. Issue spotting</td>
<td>3.43</td>
</tr>
<tr>
<td>15. Decisiveness</td>
<td>3.31</td>
</tr>
<tr>
<td>16. Answering questions succinctly</td>
<td>3.30</td>
</tr>
</tbody>
</table>

66. *Id.*
67. *NETTLES & HELLRUNG, supra* note 61, at 1, 9, 175.
68. See *id.* at 1.
69. *Id.* at 7.
70. *Id.* at 282–85.
CHANGING MARKETS CREATE OPPORTUNITIES

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<tr>
<td></td>
<td>3.29</td>
<td>3.28</td>
<td>3.26</td>
<td>3.26</td>
<td>3.24</td>
<td>3.22</td>
<td>3.15</td>
<td>3.10</td>
<td>2.98</td>
</tr>
</tbody>
</table>

The three highest knowledge domains above had an average significance of 3.08, 3.06, and 3.01, respectively.\(^{71}\)

The NCBE New Lawyer Survey used somewhat different terms than the surveys in Tables 1–5, but Table 7 synthesizes the NCBE skills and abilities with the Table 5 competencies.\(^{72}\)

**Table 7**

**Synthesizing the NCBE New Lawyer Skills and Abilities with the Table 5 Competencies**

<p>| | |</p>
<table>
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<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Effective written/oral communication skills (including the NCBE skills and abilities of written communication, listening, oral communication, using office technologies in things like email, answering questions succinctly, and advocacy)</td>
</tr>
<tr>
<td>2</td>
<td>Project management: high quality, efficiency, and timeliness (including the NCBE skills and abilities of paying attention to details, using office technologies, knowing when to go back and ask questions, organizational skills, working within established time constraints, and diligence)</td>
</tr>
<tr>
<td>3</td>
<td>Integrity/honesty/trustworthiness (including professionalism)</td>
</tr>
<tr>
<td>4</td>
<td>Analytical skills: identifying legal issues from facts, applying the law, and drawing conclusions (including critical reading and comprehension, synthesizing facts and law, legal reasoning, issue spotting, and information integrating)</td>
</tr>
<tr>
<td>5</td>
<td>Client and team relationship skills (including interpersonal skills, diligence, and working collaboratively)</td>
</tr>
<tr>
<td>6</td>
<td>Good judgment/common sense/problem solving (including judgment and decisiveness)</td>
</tr>
<tr>
<td>7</td>
<td>Research skills (including computer skills, electronic researching, and fact gathering/evaluation)</td>
</tr>
</tbody>
</table>

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71. NETTLES & HELLRUNG, supra note 61, 282–83.

72. Compare id. at 285 (listing the NCBE competency terms), with supra Tables 1–5 (establishing the Author’s competency terms), and infra Table 7 (synthesizing the NCBE and the Author’s competency terms).
8. Seeks feedback/responsive to feedback (including consciousness of personal and professional limitations)

The NCBE New Lawyer Survey emphasizes 6 of the top 8 competencies from Table 5, with the exception of “initiative/ambition/drive/strong work ethic” and “commitment to the firm/department/office.” Note that the NCBE Survey ranks project management skills and abilities highly at 2nd (whereas project management is 10th in Table 5), and it ranks research skills at 7th (whereas research skills are 14th in Table 5). Additionally, lawyer’s frequency of law management ranks 14th in Table 5.)

As with the data set forth in Tables 1–5, the NCBE New Lawyer Survey also rates a substantial number of competencies as more valuable for the new lawyer or candidate for employment than doctrinal law knowledge domains; however, the typical required and elective curriculum at law schools heavily emphasizes doctrinal knowledge in specialized areas of law.

In 2012, the Federation of Law Societies of Canada also conducted a survey of new lawyers recently admitted to practice—from 2007–2012—to rate both the frequency with which each lawyer performed or used a competency and the lawyer’s perception of the severity of the consequences if the lawyer did not possess each competency; the surveyors obtained 1,187 completed responses out of 6,911 people surveyed. This survey reported those competencies with the highest ratings as a group but did not rank them.

Table 8

<table>
<thead>
<tr>
<th>Competency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Ethics and professional skills</td>
</tr>
<tr>
<td>2. Oral and written communication skills</td>
</tr>
<tr>
<td>3. Analytical skills</td>
</tr>
</tbody>
</table>

73. See NETTLES & HELLRUNG, supra note 61, at 285; supra Table 5.
74. See NETTLES & HELLRUNG, supra note 61, at 285; supra Table 5.
75. See NETTLES & HELLRUNG, supra note 61, at 285; supra Tables 1–5. Of the 86 knowledge domains, only 3 had an average significance score above 3.0. Id. at 282–84. Additionally, 25 out of the 36 skills and abilities included in the survey had average significance scores above 3.0. Id. at 285.
76. See, e.g., ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP 30 (2007), available at http://www.cleaweb.org/Resources/Documents/best_practices-full.pdf ("[W]e mostly teach basic principles of substantive law and a much too limited range of analytical skills and other competencies, such as legal research and writing.").
78. Id. at 4.
79. Id. at 9–11.
4. Research skills (factual and legal)
5. Client relationship skills
6. Practice management skills (including project management skills)

The Federation of Law Societies of Canada study included in analytical skills many of the elements of the good judgment/common sense/problem solving competency. The study’s category of ethics and professionalism included honesty/integrity/trustworthiness. The Canadian study thus emphasizes 5 of the top 6 competencies in Table 5, except initiative/ambition/drive/strong work ethic. The study also emphasized practice management skills as one of the most important competencies. Practice management skills overlaps with project management, a competency ranked 10th in Table 5.

A 2007 study by clinicians at U.S. law schools regarding the competencies needed for effective practice reported similar results, with reasonably close agreement on 9 of the 10 competencies in Table 5. A top-10 competency on Table 5 that the clinicians did not include was commitment to the firm/department/office, its goals, and its values.

A 2013 Harvard Law School survey of 124 attorneys at large law firms first asked which business method courses students should take, and then asked which knowledge bases and skills—from a list provided to the attorneys—were most important for associates. According to the study, 83% of respondents—including a high percentage of litigators—advised students to take “Accounting and Financial Reporting” and 68% advised taking “Corporate Finance.” This would fit with the competencies of both good judgment/common sense/problem solving and effective written/oral communication skills—by promoting understanding of the business context of a client’s problem—and dedication to client service/responsiveness to clients by promoting understanding of the client’s context. Respondents also rated the importance of a list of seven knowledge bases and skills for associates—with 1 being “not at all useful” and 5 being “extremely useful.”

80. See id. at 10; supra Table 5.
81. See Fed’n of Law Soc’ys of Can., supra note 77, at 9; supra Table 5.
82. See Fed’n of Law Soc’ys of Can., supra note 77, at 9–11; supra Table 5.
84. See id.; supra Table 5.
85. See Roy Stuckey et al., supra note 76, at 39–40 (citation omitted).
86. See id.; supra Table 5.
88. Id. at 3.
89. See supra Table 5.
90. Coates et al., supra note 87, at 2, 6.
Table 9
2013 Harvard Law School Survey of Lawyers at Large Firms on the Best Business Method Courses for Law Students to Take

<table>
<thead>
<tr>
<th>Business Method Courses</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Accounting and financial statement analysis</td>
<td>4.30</td>
</tr>
<tr>
<td>2. Teamwork</td>
<td>4.28</td>
</tr>
<tr>
<td>3. Financial market/products</td>
<td>4.00</td>
</tr>
<tr>
<td>4. Negotiations</td>
<td>3.85</td>
</tr>
<tr>
<td>5. Business strategy/industry analysis</td>
<td>3.68</td>
</tr>
</tbody>
</table>

Again, the knowledge bases that are most important on this list connect to the same competencies listed in the tables. Teamwork is rated an important competency here, as it is in Table 5.

Finally, while surprisingly few of the empirical studies analyze the competencies that clients want, Marjorie Shultz and Sheldon Zedeck—in a rigorous survey published in 2011—identified and defined measurable dimensions of lawyer effectiveness by asking more than 2,000 alumni of the UC Berkeley School of Law who were practicing lawyers the following questions: “If you were looking for a lawyer for an important matter for yourself, who would you identify, and why? What qualities and behavior would cause you to choose that attorney?” The Shultz and Zedeck survey did not rank which effectiveness factors were the most important, but 9 of the top 10 competencies listed in Table 5—except commitment to the firm department/office—are included as important effectiveness factors in the Shultz and Zedeck data. Of the next nine competencies (11–19) listed in Table 5, the Schultz and Zedeck data include 6 as effectiveness factors—except inspires confidence, seeks feedback/responsive to feedback, and leadership.

VI. THE IMPORTANCE FOR STUDENTS OF DEVELOPING DIFFERENTIATING COMPETENCIES AND TRANSFERABLE SKILLS TO RESPOND TO CHANGING MARKETS

Professor Bill Henderson notes that “there is a glut in the market for entry level law graduates. Further, virtually all lack the skills needed to differentiate

91. See supra note 94, at 630.
92. See supra Tables 5, 9.
93. See supra Tables 5, 9.
95. See id. at 630; supra Table 5.
96. See Schultz & Zedeck, supra note 94, at 630; supra Table 5.
Virtualallaw students provide employers with their class rank, and many employers use these ranks as a surrogate for the quality of the students’ doctrinal knowledge, legal analysis, and research and writing skills. Some employers impose a class rank threshold cut-off in terms of résumés that will be considered. Even for employers who use these thresholds, many résumés are still left in the pool, and students need to differentiate themselves from competitors. Law students who understand the competencies important for legal employers in the hiring decision can differentiate themselves from other graduates by using all of the experiences of the three years of law school—including the elective curriculum, externships, clinics, simulation courses, extracurricular activities, pro bono work, and paid clerkships—to develop one or more specific competencies to a later developmental stage, such as Level 3 or 4 in Diagram 1. A student would have to be proactive in creating evidence, or experience, of this later-stage development of a competency. The student could accomplish this, for example, through reference letters that provide specific assessments, awards in competitions, and files of assessments collected from senior people who have reviewed the student’s work.

In general, even when a student has a first job, the evidence points toward a future where lawyers are more mobile and where more rapidly changing market conditions require every lawyer to be more entrepreneurial. For example, a study of recent law school graduates, After the JD II, revealed that “attorneys change jobs more often today than they did in years past.” An entire section of this study is dedicated to the mobility of the recent law school graduates who were surveyed, finding that “[b]etween 2003 and 2007, lawyers [who were surveyed] had held an average of about two different jobs. Sixty two percent (62%) of attorneys had changed jobs at least once between 2003 and 2007.” Not only had many job changes already occurred in the surveyed population, but “[a]bout a third of [surveyed] attorneys were intending to change jobs.”

The preliminary data from the third phase of the After the JD research indicates continuing mobility, with 27.7% of respondents now working in the business sector, compared to only 8.4% in 2003. At the same time, the percentage of respondents in private practice moved from 68.6% in 2003 to

98. See supra Diagram 1.
100. Id. at 54. Surveys were conducted on 4,160 members after seven years of practice. Id. at 12.
101. Id. at 54.
102. Id. at 57.
44.1% in 2012, and the percentage of respondents not practicing law moved from 9% in 2003 to 24% in 2012.104

This data indicates the reality of the job changes many new lawyers experience. Given this reality, law students should think strategically about their years in law school and their early years of practice as time to develop transferable skills—the functional skills that are the essential building blocks for all jobs and careers, even those jobs that do not involve practicing law. Many of the competencies in Table 5 are transferable skills.105

Overall, the probability seems extremely high that changes in the market for legal services—whether pushed by client pressure for more cost-effective solutions, the interface of the practice of law with new cost-saving technologies, global outsourcing, or new ideas that can create more middle class demand for legal services—will continue to accelerate.106 Law futurist Richard Susskind believes that these market changes “open[] up the possibility of important new forms of legal service, and of exciting new jobs for those lawyers who are sufficiently flexible, open-minded, and entrepreneurial to adapt to changing market conditions.”107 Susskind urges that “[l]awyers in training should be proactive [and] always on the lookout for experiences that prepare them for tomorrow.”108

VII. CONCLUSION

The empirical studies in Parts II and IV above show substantial agreement on “the competencies and professionalism required of people who will deliver services to clients.”109 Stepping back from all the data and looking for broad themes, we can see that legal employers, the profession itself, and clients want each lawyer to grow over a career in the competencies needed to help clients solve problems—starting with the technical legal skills, but also growing toward integrity and trustworthiness, good judgment, initiative and strong work ethic, client focus, effective teamwork, project management, and other important to critically important competencies.

Legal education has traditional strengths with respect to helping students develop analytical skills, effective written (and some oral) communication skills, knowledge of doctrinal law, the ability to work independently, and research skills.110 The data here support the conclusion that each law school should build

104. Id.
105. See supra Table 5.
106. See RICHARD SUSSKIND, TOMORROW’S LAWYERS: AN INTRODUCTION TO YOUR FUTURE 3 (2013).
107. Id. at 109.
108. Id. at 119.
109. TASK FORCE REPORT, supra note 2, at 3; see also supra Parts II, IV.
on these existing strengths to help each student (1) understand clearly the full array of competencies needed for the effective practice of law and (2) understand which competencies are developed in each course in the required curriculum and each course in the elective curriculum. An overall competency model could resemble Diagram 2 below.

Diagram 2: An Example of a Law School Competency Model

Note that the professional formation competencies in the left vertical column influence excellence in all of the other competencies. Each law faculty can decide whether to emphasize particular competencies in the curriculum—and whether to sequence the curriculum to give students opportunities to grow toward later developmental levels at specific competencies—and provide evidence to employers of this developmental growth, as indicated above in Diagram 1.

The curricula, pedagogies, and formative and summative assessments that will be most effective to foster student growth toward these non-technical legal competencies will require experimentation, assessment of the experiments, patience, and humility to move toward effective education. We can learn from

111. See supra at Diagram 2.
112. See supra at Diagram 1.
higher education in other professions—and, in legal education, from each other—on what has been most effective. Faculty members will need appropriate education to increase the probability of successful experiments.

An additional new direction for the adaption and implementation of a full competency model would be to go beyond just informing each student of the entire range of competencies needed for the practice of law—and how the required and elective curriculum can help the student develop the competencies—by focusing in addition on each student’s developmental stage and coaching the student on how to grow from that stage in any of the competencies. For example, an important finding of our empirical studies on professional formation is that a student’s or new lawyer’s understanding of professional formation depends upon the student’s or new lawyer’s stage of development—similar to Diagram 1 on the Levels of Practice Mastery—and that a student or new lawyer can grow over a career toward the internalization of a later-stage understanding of professional formation. To be effective in fostering professional formation, legal educators must take into account the developmental stage of each student and engage students at their respective developmental stages.

As a final specific example of an educational engagement targeted at competencies other than technical skills, I focused on fostering each student’s competencies of initiative/ambition/drive/strong work ethic and commitment to professional development toward excellence. I tried an experiment in the fall semester of 2013 with second-year students in a required course in Professional Responsibility (PR). In the summer of 2013, I created a book called The Roadmap for Employment: Connecting the Dots and required each PR student to spend a minimum of seven hours during the semester creating a personal Roadmap for Employment and then to discuss the roadmap with a veteran lawyer to get feedback on the student’s plan.

The Roadmap for Employment has this overall structure:

1. helping each student, from the student’s shoes, to grow toward the internalization of responsibility for and service to others, particularly the client;

113. See supra at Diagram 1.
114. See generally Entering Law Students’ Conceptions, supra note 43, at 385 (reporting on a pilot study and discussing an assessment method that can “be used to assess law school outcomes with respect to ethical professional identity by comparing growth from matriculation to graduation”); Themes from Interviews About Professionalism, supra note 43, at 965 (exploring the need for a fundamental paradigm shift in legal education and concluding that legal “growth occurs across the lifespan [of a lawyer]”).
115. See Themes from Interviews About Professionalism, supra note 43, at 963–64.
116. All of our students must take PR during their second year of law school.
2. helping each student—using a variety of self-assessment tools including STRENGTHSFINDER 2.0—to identify his or her gifts or strengths and the type of service to others that gives the student the most energy (discerning vocation);
3. helping each student think through the groups of people whom the student wants to serve;
4. given the student’s strengths and the groups whom the student wants to serve, helping the student identify the legal employers serving these groups and what competencies those legal employers want;
5. helping the student think about and plan how to use all the years at UST Law—including the required and elective curriculum, student activities, and all the experiences outside of the law school—most effectively to develop the needed competencies and to gain “experience” at those competencies (the experience also helps the student continually grow into later-stage answers to learning outcomes 1–4 above); and
6. helping the student develop evidence employers will accept of the student’s capability at the differentiating competencies that the student is emphasizing.118

Essentially, the Roadmap for Employment concept involves faculty and staff, as co-educators, to help students “connect the dots” and move from whatever stage the students are in when they enter law school to internalizing responsibility for, and service to, others—and then to use their years in legal education to develop the competencies needed for meaningful employment to provide service to others.119 Faculty and staff can become much more effective at helping each student develop experience at—and acquire evidence of—the competencies that employers value, such as integrity/honesty/trustworthiness, initiative/ambition/drive/strong work ethic, commitment to professional development toward excellence, teamwork, project management, and other such competencies.120

At the end of the semester, 71 out of the 76 students in my fall 2013 PR class answered the following question: “How well developed was your plan for employment (including your plan for career advancement if you already have post-graduation employment) before working on the Roadmap?”121

118. See id.
119. See id.
120. See id.
121. The scale for the survey was intervals from 0 to 5, with 0 meaning “did not have a plan” and 5 meaning “very developed plan.”
Diagram 3

Diagram 3. Self-reported rankings of initial development of employment plan for students in PR (71 students reporting). No student reported starting at 0 (did not have a plan).

Diagram 4

Diagram 4. Self-reported rankings of development of employment plan of PR students after partaking in the Roadmap for Employment exercise (71 students reporting).
There was positive overall change in the students toward development of an employment plan, which evidences the competencies of initiative/ambition/drive/strong work ethic and commitment to professional development toward excellence.

- Of the 11 students who self-assessed at Stage 1 at the start of the semester, 6 moved to Stage 3 and 5 moved to Stage 4.
- Of the 14 students who self-assessed at Stage 2 at the start of the semester, 1 stayed at Stage 2, 4 moved to Stage 3, 8 moved to Stage 4, and 2 moved to Stage 5.
- These 25 earlier stage students—35% of the 71 total respondents—were the major target group for the Roadmap for Employment concept. The roadmap is helping these earlier stage students with professional formation toward both responsibility for professional development and, ultimately, meaningful employment.
- Of the 22 students who self-assessed at Stage 3, 3 stayed at Stage 3, 18 moved to Stage 4, and 2 moved to Stage 5.
- Of the 19 students who self-assessed at Stage 4 at the start of the semester, 12 stayed at Stage 4, 6 moved to Stage 5, and 1 moved backward to Stage 2; the assessment form, however, indicated that this student was experienced in her field and did not see the Roadmap for Employment’s value for experienced students.

In summary, of the 47 students who self-assessed at Stages 1–3 at the beginning of the semester, the Roadmap for Employment helped generate stage movement for 44 of them, with all the earliest Stage 1 students moving two or three stages and 9 of the Stage 2 students moving two or three stages.

These Roadmap for Employment data provide an example of educational engagement for both faculty and staff to help students move forward with good evidence of competencies in addition to those assessed by class rank. Ultimately, we want to help each student be able to answer the question that Dennis Monroe, founder of a medium-size law firm and former CEO of Parasole Restaurants—comprised of 11 restaurants and 1,600 employees—asks each applicant for an associate position with the firm: “Law students generally operate on the strong belief that being a good lawyer is about subject matter expertise and analysis. The first question that I ask an applicant for an associate position is ‘What value do you bring beyond just technical legal skills to help our clients be successful?’” We can help each student have good answers to this question.
